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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,645	11/03/1997	HISASHI KAWAI	35.G1460-CI	9119

5514 7590 01/29/2003

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EXAMINER	
NGUYEN, LUONG TRUNG	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 08/962,645	Applicant(s) Kawai
	Examiner Luong Nguyen	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Nov 18, 2002* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *14-21, 23, 28, and 30-32* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *14-21, 23, 28, and 30-32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/18/2002 have been fully considered but they are not persuasive.

In re page 8, Applicant argues that Saito does not teach detecting whether the image pickup device is in a document image pickup state or in a person image pickup state. Accordingly, nothing has been found in Saito that would teach or suggest an angle detection unit detect a change of angle of the image pickup direction, as recited in independent claim 14.

In response, it should be noted that the feature "detecting whether the image pickup device is in a document image pickup state or in a person image pickup state" is not recited in the claim. Instead, regarding claim 14, the Applicant recited the limitation "an angle detection unit adapted to detect a change of an angle of the image pickup direction." The Examiner considers that this feature is taught by Saito. Saito discloses a sensor which is provided to a video camera for detecting an orientation position of the video camera. The orientation position of the video camera corresponds to the change of angle of the video camera. This shows that the change of angle of the video camera is detected (detecting a change of an angle of the image pickup direction, column 7, lines 30-38, column 8, lines 48-54).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 14-18, 20-21, 23, 28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699) further in view of Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580).

Regarding claims 14, 23, Ohyama et al. disclose an image input device comprising an image pickup unit, disclosed as camera unit 2 (figure 1, column 3, lines 1-5); an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40). Ohyama et al. disclose a support unit for supporting the camera unit at a predetermined position (predetermined angle). Ohyama et al. disclose mount table as original pedestal 5 in figure 1.

Ohyama et al. fail to specifically disclose an angle detection unit adapted to detect a change of an angle of the image pickup direction. However, Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (detecting a change of an angle of the image pickup direction, column 8, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Saito in order to detect orientation position of the video camera (angle of the image pickup direction, column 8, lines 48-54).

Ohyama et al. and Saito fail to specifically disclose a control unit adapted to automatically store an image signal in a storage unit. However, Morimura teaches frame memory 5 and 6 which store image signal outputted from video camera 3 (figure 4, column 3, line 65 through column 4, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. and Saito by the teaching of Morimura in order to store image signal.

Ohyama et al., Saito and Morimura fail to explicitly disclose storing an image signal including a predetermined angle in a storage unit, in accordance with detecting a change of the image pickup direction by said angle detection unit. However, Ishikawa et al. teaches that image signals are always output except when the camera is moved (video output is inhibited during camera movement, see abstract). This implies that, when the camera is moved from direction 1 to direction 2, it will stop outputting signals while moving, and once it is fixed at new location 2, signals will start to be output again. This shows that the output signal is read when a change has been detected. Therefore, it would have been obvious to modify the device in Ohyama et al., Saito and Morimura by the teaching of Ishikawa et al. in order to only store image signal when a change has been detected. Doing so, it saves the memory of the storage unit.

Regarding claim 15, Ohyama et al. fail to specifically disclose a fixed detection unit adapted to determine whether the image pickup direction is fixed. However, Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (detecting a change of an angle of the image pickup direction, column 8, lines 48-54). If

the orientation of the camera is fixed, this sensor also detect this. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Saito in order to detect orientation position of the video camera (angle of the image pickup direction, column 8, lines 48-54).

Regarding claim 16, in Ohyama et al., figure 1 shows camera unit 2 which moves in the direction indicated by arrow a (column 4, lines 34-40). Although a moto-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input button 12.

Regarding claim 17, Ohyama et al. disclose the camera unit 2 is capable of moving in the direction indicated by arrow a (column 4, lines 34-40). It would have been obvious to move camera between imaging a document and imaging a person in order to let the user select a desired direction. Images are stores from the camera at all times. Therefore, the time at which the camera changes position from a document to a person is also stored.

Regarding claim 18, Morimura discloses wherein said control unit (microcomputer 17, figure 10) is adapted to cause the stored image signal to be output (figure 10).

Regarding claim 20, Morimura discloses a control unit as microcomputer 17 (figure 10). Morimura discloses that the system stores signals at all times, that inherently includes "image signal stored by the storing means repeatedly".

Regarding claim 21, Morimura discloses a control unit as microcomputer 17 (figure 10). Morimura discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle. This shows that "image signal stored by the storing means selectively".

Regarding claim 28, all the limitations are contained in claim 14. Therefore, see Examiner's comment regarding claim 14.

Claim 30 is considered substantively equivalent to claim 18 discussed above.

Claim 31 is considered substantively equivalent to claim 20 discussed above.

Claim 32 is considered substantively equivalent to claim 21 discussed above.

4. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699), Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580) further in view of Mizoguchi (EP 617562).

As for claim 19, Ohyama et al, Saito, Morimura and Ishikawa et al. do not explicitly state that the storage means includes more than two storage areas. This implies that two or more

frames of image data may be stored in the memory. Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage means in the system of Ohyama et al, Saito, Morimura and Ishikawa et al capable of storing a plurality of frames by being divided into a plurality of storage sections.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297.** If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
1/23/2003

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600